

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FONDIA MOORE,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C06-5449 RJB/KLS

ORDER DENYING MOTION FOR  
THE APPOINTMENT OF COUNSEL

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 5). Before the court is plaintiff's motion for appointment of counsel. (Dkt. # 15).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

1 Plaintiff has not shown exceptional circumstances warranting appointment of counsel.  
2 Plaintiff submits that he cannot afford an attorney and that he does not understand the legal system  
3 and needs legal advice. (Dkt. # 15). However, none of these reasons warrants the appointment of  
4 counsel. Although Plaintiff may have limited resources and limited knowledge of the law and legal  
5 system, he is not precluded from litigating his case. In fact, Plaintiff has demonstrated that he  
6 capable of articulating his claims. This is not a complex case that involves complex facts, law,  
7 issues or a large number of parties. It is anticipated that the case will involve a limited number of  
8 witnesses, with facts spanning a relatively short period of time. Moreover, Plaintiff has not  
9 demonstrated a likelihood of success on the merits of his claims.  
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11 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 15) is **DENIED**.

12 The Clerk is directed to send copies of this Order to Plaintiff and counsel for Defendants.  
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15 DATED this 7th day of December, 2006.  
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19 Karen L. Strombom  
20 United States Magistrate Judge  
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